

REMARKS

The withdrawal of the previous rejection of claims 1-2, 7 and 10 under 35 USC 103(a) as unpatentable over US 20020009426 ('426) in view of WO 2004060965 (WO '965) is noted with appreciation.

The consideration of previously withdrawn claims 3 and 9 likewise is noted with appreciation.

In response to the objection, claims 1 and 3 have been amended to replace the original chemical structures with revised drawings in which the subject matter within parentheses has been deleted. Please note that the Roman numeral designations below the structures in the claims also are intended to be deleted. It is respectfully submitted that these replacement structures do not add new matter to the claims. Claim 3 is amended herein in the recitation of X¹ and X² to delete the word "or." This amendment is made to correct grammar and is not intended to change the scope of the claim.

The rejection of claims 1-2 and 9-10 as indefinite under 35 U.S.C 112 is respectfully traversed. It is submitted that one skilled in the art will have a full understanding of the term "residue," for the reasons explained in the applicants "Response to the Office Action Dated June 10, 2010" and "Response to the Office Action Mailed October 16, 2008." Nevertheless, solely to expedite the prosecution of the present application, claim 1 is amended herein to change "residue" to "moiety." No change in the scope of the claim is intended by this amendment.

Claim 9 is amended herein to correct the dependency from claim 4 (cancelled) to claim 3.

New claims 11 and 12 are added herein analogous to claim 10, and reciting pharmaceutical compositions of the compounds of dependent claims 2 and 8, respectively. It is respectfully submitted that these additional claims present no new issues for review.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. Favorable consideration and a notice of allowance of claims 1-3 and 8-12 is respectfully requested.

Respectfully submitted,

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